

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MONTEZ M. BOWENS

v.

EMPLOYEES OF THE DEPARTMENT  
OF CORRECTIONS, et al.

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CIVIL ACTION  
NO. 14-2689

**ORDER**

AND NOW, this 26th day of February, 2015, consistent with the accompanying memorandum of law, it is ORDERED that:

- 1) Upon consideration of the motion to dismiss brought on behalf of defendants Dr. P. Bratton and Dr. Martinez (Dkt. No. 20) and plaintiff Montez M. Bowens' opposition thereto (Dkt. No. 28), Bratton and Martinez's motion is GRANTED;
- 2) Plaintiff's motion to amend (Dkt. No. 4) is DENIED as moot;
- 3) Plaintiff's motions seeking temporary restraining orders and protection from abuse orders (Dkt. Nos. 8 and 42) are DENIED;
- 4) Plaintiff's motions for depositions and interrogatories (Dkt. Nos. 39 and 40) and for production of documents (Dkt. No. 41) are DENIED.

It is FURTHER ORDERED that:

- 1) Plaintiff's claim pursuant to the Prison Rape Elimination Act, 42 U.S.C § 15601, is DISMISSED;
- 2) Plaintiff's claims for damages against defendants in their official capacities are DISMISSED;
- 2) Plaintiff's remaining claims against Martinez and Bratton are DISMISSED with leave to amend to the extent that plaintiff is able to set forth sufficient allegations

to show that either defendant was personally involved in conduct sufficient to constitute a violation of plaintiff's rights;

- 3) Plaintiff's remaining claims against the remaining defendants are DISMISSED pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2) for failure to state a claim with leave to amend to the extent that plaintiff is able to set forth sufficient allegations to show that any defendant was personally involved in conduct sufficient to constitute a violation of plaintiff's rights.

Plaintiff may file an amended complaint consistent with this order on or before March 27, 2015. If plaintiff files an amended complaint, defendants shall file a responsive pleading within fourteen days thereafter.

The Clerk of Court is directed to close this case for statistical purposes.

s/Thomas N. O'Neill, Jr.  
THOMAS N. O'NEILL, JR., J.